

HOUSE BILL 2691

By Johnson G

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 8; Title 37 and Title 68, Chapter 3, relative to vital records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-3-203(c), is amended by deleting the subsection and substituting:

(c) Upon receipt of a court order changing the name or gender identity of an individual born in this state, and upon request of the individual or the individual's parents, guardian, or legal representative, the state registrar shall amend the certificate of birth to show the new name or gender identity.

SECTION 2. Tennessee Code Annotated, Section 68-3-203(d), is amended by deleting the subsection and substituting:

(d) Upon receipt of a sworn statement by a physician, surgeon, endocrinologist, gynecologist, internist, neurologist, psychiatrist, psychologist, or social worker indicating that the individual's gender identity does not match the sex indicated on the person's original certificate of birth, the state registrar shall amend the certificate of birth to reflect the change. As used in this section, "gender identity" has the same definition as in Section 5.

SECTION 3. Tennessee Code Annotated, Section 29-8-101, is amended by deleting the section and substituting:

(a) The circuit, probate, and county courts have concurrent jurisdiction to change names, change gender identity, and correct errors in birth certificates on the application of a resident of the county in which the application is made.

(b)

(1) Notwithstanding another law to the contrary, persons who have been convicted of the following offenses do not have the right to legally change their names or gender identity:

(A) First or second degree murder; or

(B) An offense, the commission of which requires a sexual offender to register pursuant to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification, and Tracking Act of 2004, compiled in title 40, chapter 39, part 2.

(2) If the court has reason to believe that the petition is being made to defraud or mislead, is not being made in good faith, or will cause injury to an individual, or to compromise public safety, then the petition must be denied.

(3) If the person seeking to have the person's name or gender identity changed has a felony conviction, then, other than for those offenses enumerated in subdivision (b)(1), the petition is presumed to be made in bad faith, to defraud or mislead, to cause injury to an individual, or to compromise public safety. The court shall not grant the name change unless the individual requesting the name change proves by clear and convincing evidence that the petition is not based upon an intent to defraud or mislead, is made in good faith, will not cause injury to an individual, and will not compromise public safety.

(4) This subsection (b) does not apply if the name change is the result of a lawful marriage, marital dissolution, or adoption.

(c) Public funds must not be expended to change the name or gender identity of a person who is an inmate in the custody of the department of correction.

SECTION 4. Tennessee Code Annotated, Section 29-8-102, is amended by deleting the language "change the name or to correct an error in a birth certificate" and substituting "change the name, change the gender identity, or correct an error in a birth certificate".

SECTION 5. Tennessee Code Annotated, Title 29, Chapter 8, is amended by adding the following as a new section:

As used in this chapter, "gender identity" means a person's sacrosanct internal sense of being male, female, or nonbinary.

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.